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09/609,269	06/30/2000	Donald Kadyk	13768.109.1	2137

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EXAMINER	
LY, ANH VU H	
ART UNIT	**PAPER NUMBER**
2667	

DATE MAILED: 05/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/609,269	KADYK, DONALD	
	Examiner	Art Unit	
	Anh-Vu H. Ly	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3,4,6-8,11-14,16-21,23,24,26-36,38,39 and 41-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,4,6-8,11-14,16-21,23,24,26-36,38,39 and 41-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is in response to applicant's amendment filed March 08, 2005. Claims 1, 3-4, 6-8, 11-14, 16-21, 23-24, 26-36, 38-39, and 41-46 are currently pending.

Claim Objections

2. Claims 1, 4, 8, 11-13, and 33 are objected to because of the following informalities:

With respect to claim 1, in lines 5-6, "remote computer system" should be changed to - -remote wireless system- -; in line 13, "wireless device" should be changed to - -wireless system- -; and in line 21, "sequence of data conversion" should be changed to - -sequence of format conversion- -.

With respect to claim 4, in lines 1-2, "the act of identifying" lacks antecedent basis and in lines 5-6, "remote computer system" should be changed to - -remote wireless system- -.

With respect to claim 8, in lines 1-2, "remote computer system" should be changed to - -remote wireless system- -.

With respect to claim 11, in lines 6-7, "remote computer system" should be changed to - -remote wireless system- -.

With respect to claim 12, in lines 6-7, "remote computer system" should be changed to - -remote wireless system- -.

With respect to claim 13, in line 23, "sequence of data conversion" should be changed to - -sequence of format conversion- -.

With respect to claim 33, in line 1, "for use a gateway" should be changed to - -for use in a gateway- -.

Applicant is requested to review and clarify similar ambiguities presented in other pending claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 20-21, 23-24, 26-36, 38-39, 41 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 20, 33, and 35, the limitations as recited in lines 8-11, "receiving a message from data in a first data format" and "that is intended for a remote wireless system that has an associated telephone number that is addressed to a remote computer system" are unclear. It is unclear of what being claimed.

Claims 21, 23-24, 26-32, 34, 36, 38-39, 41 and 43 are rejected as they depend upon rejected independent claims 20, 33, and 35.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3-4, 6-8, 11-14, 16-21, 23-24, 26-36, 38-39, and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowker, D. O. et al (EP 0872990 A1) in view of Bouis et al (US Patent No. 6,741,608 B1) and further in view of Sawyer et al (US Patent No. 5,946,629). Hereinafter, referred to as Bowker, Bouis, and Sawyer.

With respect to claim 1, 4, 11-13, 17-19, 44, and 46, Bowker discloses in Fig. 1, a functional block diagram representing a Broker Application Server (BAS) (herein, the BAS is considered as a gateway by the examiner) for facilitating communications between one or more senders and one or more receivers over a digital packet network. Bowker discloses in Fig. 3, that the BAS receives data packets from the sender according to a first format 302 (receiving a message that includes data in a first data format from an originating computing system). Bowker discloses (page 5, lines 5-10) that if the data is not in the preferred format of receiver 14, control is transferred to a first transcoder 116 and the data is transcoded into a common or generic format (intermediate data format) (converting the data from the first data format into an intermediate data format using first format conversion module in the sequence of data conversion modules). The data now in a common format is then further transcoded in a second transcoder 118 in to the preferred format of the receiver 14 (converting the data from the intermediate data format into the second data format using at least one second format conversion module in the sequence of format conversion modules). Herein, the common and the preferred format of the receiver are identified as a sequence of format conversion modules by the examiner for converting the received data from the sender to the preferred format of the receiver as a function of the extracted destination address (identifying is based on the address to the remote computer system). Bowker discloses in Figs. 1, 2, and 5, that the conversion takes place before sending the

data to the receivers (prior to transmitting the data to the remote computer system so that the remote computer system does not have to convert the data into the second data format). Bowker discloses in Fig. 3, that after converting the data packets to the preferred data format of the receiver, the data packets are forwarded to the receiver 324 (upon converting the data to the second data format, transmitting the data to the remote computer system).

Bowker does not disclose using at least one second format conversion modules in the sequence of data conversion modules, for converting the data from intermediate data format into the second data format, wherein each of the second format conversion modules converting the data into different formats.

Bouis discloses in Fig. 6A, a method of transcoding streaming data using a sequence of conversion modules B, C, and A. Herein, conversion module B converts the input data into the internal data format (intermediate data format), conversion module C converts the internal data format into another data format, and then conversion module A converts another data format into the preferred format (second data format) (using at least one conversion modules in the sequence of data conversion modules for converting the intermediate data format into second data format). Herein, each conversion module converts one format into a specific output format.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include at least two conversion modules for converting the intermediate data format into the preferred data format in Bowker's system, as suggested by Bouis, to accommodate format diversity.

Bowker does not disclose that the message is intended for a remote wireless system that has an associated telephone number; examining the message and identifying the telephone

number of the remote wireless system, which is included as part of the message; determining, based in part on the telephone number, that the wireless system only recognizes data in one or more formats that are different than the first data format; and identifying a format conversion module based on the telephone number associated with the remote wireless system.

Sawyer discloses (col. 6, lines 44-55) if the read network designation 42 instead comprises the term "SMS", as in step 142, the functionality 28 extracts the subscriber mobile station 12 telephone number from the destination address 44 in step 144 (examining and identifying the telephone number of the remote wireless system, which is included as part of the message). Any re-formatting of the received message (in this case a facsimile or e-mail message) (first data format) necessary for SMS message (second data format) transmission is then performed in step 146. The cellular network 10 is then accessed by the functionality 28 of the message center in step 148, following message conversion (wireless system only recognizes data in one or more formats that are different than the first data format), and the received and converted message is delivered as an SMS message (identifying is based on the telephone number associated with the remote wireless system) over the accessed network in step 150.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include format conversion for wireless devices based on telephone number in Bowker's system, as suggested by Sawyer, to facilitate inter-network message communications among heterogeneous networks.

With respect to claims 3, 16, and 23, Bowker discloses (page 4, lines 53 – 54) that the data type is extracted from the packet (identifying the first data format by reading a content type field associated with the data).

With respect to claims 4, 17, and 24, Bowker discloses in Fig. 3, step 304 that address information stored in the packet is examined (an act of reading a destination address field associated with the data). Further, in step 310, preferred format of addressed receiver is determined by looking up information stored in memory 103, Fig. 1 (an act of querying a database for a data format and determining the resulting data format associated with the remote computer system that is represented by the destination address within the destination address field).

With respect to claims 6, 8, 26, 28, 30, and 39, Bowker discloses (page 4, lines 23-30) that the sender 12 can be an individual computer (herein, the individual computer is considered as a server by the examiner) (originating computer system comprising a server computer system), a network node, a PoP of an ISP, or any other device, which transmits digitized packets. The receiver 14 may suitably be a general-purpose personal computer (herein, the general purpose personal computer is considered as a server by the examiner) (the remote computer system comprising a server computer system) or an Internet or web terminal with more limited functionality.

With respect to claims 7, 27, 29, and 38, Bowker discloses in Fig. 5, a network environment comprising plurality of senders (originating devices) and receivers (remote devices) and BAS. Bowker does not disclose remote and originating computer system comprising a wireless device. However, it is known in the art a plurality of handheld devices such as PDAs, palmtops, pocket computers have been widely used, in wireless communications network, to display emails, text, graphics, etc... Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a wireless device in the network environment of Bowker, to accommodate and display information for mobile users.

With respect to claims 14 and 34, Bowker discloses in Fig. 1, the BAS comprising a memory 103 for storing preferred format of receivers (computer readable medium comprising a physical storage medium).

With respect to claims 20-21, 24, 31-33, and 35 (as best understood), Bowker discloses in Fig. 1, a functional block diagram representing a Broker Application Server (BAS) (herein, the BAS is considered as a gateway by the examiner) for facilitating communications between one or more senders and one or more receivers over a digital packet network. Bowker discloses in Fig. 3, that the BAS receives data packets from the sender according to a first format 302 (receiving data in a first data format from an originating computing system that is addressed to a remote computer system). Bowker discloses (page 5, lines 5-10) that if the data is not in the preferred format of receiver 14, control is transferred to a first transcoder 116 and the data is transcoded into a common or generic format (intermediate data format) (converting the data from

the first data format into an intermediate data format using first format conversion module in the sequence of data conversion modules). The data now in a common format is then further transcoded in a second transcoder 118 in to the preferred format of the receiver 14 (an act of converting the data from the intermediate data format into the second data format using at least second format conversion module in the sequence of data conversion modules). Herein, the common or generic format and the preferred format of the receiver are identified as a sequence of format conversion modules by the examiner for converting the received data from the sender to the preferred format of the receiver as a function of the extracted destination address. Bowker discloses in Figs. 1, 2, and 5, that the conversion takes place before sending the data to the receivers (prior to transmitting the data to the remote computer system so that the remote computer system does not have to convert the data into the second data format). Bowker discloses in Fig. 3, that after converting the data packets to the preferred data format of the receiver, the data packets are forwarded to the receiver 324 (upon converting the data to the second data format, transmitting the data to the remote computer system).

Bowker does not disclose identifying a plurality of sequences of format conversion modules and using one of plurality of sequences of format conversion modules and wherein identifying the different sequences is based upon the address associated with the data and the remote computer system.

Bouis discloses (col. 6, lines 40-43) that the transcoding controller 410 also determines the combinations or paths (plurality of sequences) of stream conversion modules that can convert from the source format into the destination format according to the destination address. Herein, the each comprises a sequence of conversion modules. It would have been obvious to one

having ordinary skill in the art at the time the invention was made to include the features of identifying plurality of sequences of format conversion modules and using one of the plurality of sequences of format conversion modules in Bowker's system, as suggested by Bouis, as a function of calculated paths load.

Bowker does not disclose that the message is intended for a remote wireless system that has an associated telephone number; examining the message and identifying the telephone number of the remote wireless system, which is included as part of the message; determining, based in part on the telephone number, that the wireless system only recognizes data in one or more formats that are different than the first data format; and identifying a format conversion module based on the telephone number associated with the remote wireless system.

Sawyer discloses (col. 6, lines 44-55) if the read network designation 42 instead comprises the term "SMS", as in step 142, the functionality 28 extracts the subscriber mobile station 12 telephone number from the destination address 44 in step 144 (examining and identifying the telephone number of the remote wireless system, which is included as part of the message). Any re-formatting of the received message (in this case a facsimile or e-mail message) (first data format) necessary for SMS message (second data format) transmission is then performed in step 146. The cellular network 10 is then accessed by the functionality 28 of the message center in step 148, following message conversion (wireless system only recognizes data in one or more formats that are different than the first data format), and the received and converted message is delivered as an SMS message (identifying is based on the telephone number associated with the remote wireless system) over the accessed network in step 150.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include format conversion for wireless devices based on telephone number in Bowker's system, as suggested by Sawyer, to facilitate inter-network message communications in heterogeneous networks.

With respect to claims 36 and 41, Bowker discloses (page 4, lines 23-30) that the sender 12 can be an individual computer (herein, the individual computer is considered as a server computer system by the examiner), a network node, a PoP of an ISP, or any other device, which transmits digitized packets. The receiver 14 may suitably be a general-purpose personal computer (herein, the general purpose personal computer is considered as a server computer system by the examiner) or an Internet or web terminal with more limited functionality.

With respect to claims 42 and 43, Bowker discloses in Fig. 1, a method and apparatus for converting data formats between one or more senders and one or more receivers over a digital packet network. Bowker does not disclose the act of identifying the sequence is based on an amount of time it will take to convert the data from the first data format into the second data format. Bouis discloses (col. 6, lines 46-48) that the transcoding controller 410 compares the path system loads to determine which path will produce the lease amount of load or cost on the system. Herein, processing load is a function of time to accomplish a certain task. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the comparisons in Bowker's apparatus, as suggested by Bouis, to optimize the network.

With respect to claim 45, Bowker discloses (col. 3, lines 35-39) that a database for storing the preferred formats of customers or a storage to hold preferred format information derived at the establishment of a connection between the customer and the BAS. Herein, the database identifies the preferred data format as a function of the receiver address (wherein the address of the remote computer system is provided to the gateway when the remote computer system registers with the gateway).

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-4, 6-8, 11-14, 16-21, 23-24, 26-36, 38-39, and 41-46 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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5/20/05